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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,911	06/19/2000	JAN ERIKSSON	49549-60259	4412

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EXAMINER

VALENTI, ANDREA M

ART UNIT PAPER NUMBER

3643

DATE MAILED: 02/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/581,911

Applicant(s)

ERIKSSON, JAN

Examiner

Andrea M. Valenti

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

PETER M. POON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,922,855 to Tomizawa et al.

Regarding Claim 1, Tomizawa et al discloses an animal related apparatus with a robot (Fig.1 #1) for performing an animal relates operation, the robot being associated with a control means (#4 and #20a), at least one animal related device (Fig. 1 Element #6) associated with the control means, the robot being provided with a robot arm (Fig. 1 extension between #4 and #5) adapted to move the animal related device towards the animal. A registering means (#46a and #28a), a control means adapted to generate a signal (#52, #41, and #20b) and a predetermined threshold values for the animal related apparatus (Abstract).

Regarding Claim 2, Tomizawa et al teaches the registering means is adapted to register the running value of the at least one animal related device (Col. 4 lines 10-31).

Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 96/36212 to Innings et al.

Regarding Claim 1, Innings et al discloses an animal related apparatus with a robot (Fig.1) for performing an animal relates operation, the robot being associated with a control means (#20), at least one animal related device (Fig. 1 #3) associated with the control means, the robot being provided with a robot arm (Fig. 1 #4) adapted to move the animal related device towards the animal. A registering means, a control means adapted to generate a signal, and a predetermined threshold values (page 4 line 20-21) for the animal related apparatus (#20, 22, 23, 24, 25, and 26).

Regarding Claim 2, Innings et al teaches the registering means is adapted to register the running value of the at least one animal related device (Fig. 1 #3).

Regarding Claim 5, Innings et al discloses that the animal related device has milking equipment with a teat-cup (#3) having a shell and a liner forming an intermediate space (#6), the space being connectable to a source of vacuum (#13) via a pulsator for creating a pulsating vacuum (#7), the pulsator associated with the control means (#20) and the control means being adapted to register the cumulative running value of the pulsator.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 96/36212 to Innings et al in view of European Patent No. 0244642 to Eugene P. Finger.

Regarding Claims 3 and 4, Innings et al is silent on the registering means being adapted to register the running value of the driving means and that the running value is the running time of the complete animal related operation. However, Finger teaches improved cumulative operations measurement system registering total operating time for determining routine maintenance (Finger Col. 1 line 1-30). It would have been obvious to one of ordinary skill in the art to modify the teachings of Innings et al with the teachings of Finger to the overall system and to individual devices of the system to assure reliability of the system as taught by Finger (Finger Col. 1 line 31).

Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 96/36212 to Innings et al in view of U.S. Patent No. 4,391,221 to Hoefelmayr et al.

Regarding Claims 6 and 7, Innings et al is silent on the running value being the running time of the pulsator and the running value is the number of pulsations generated by the pulsator. However, Hoefelmayr et al teaches that the running value is the running time of the pulsator and the number of pulsations generated by the pulsator (Hoefelmayr et al Abstract). It would have been obvious to one of ordinary skill in the art to modify the teachings of Innings et al with the teachings of Hoefelmayr et al since the modification is merely a means to automate a system in a manner that prevents harm and reduces fear in the animals being milked.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 96/36212 to Innings et al in view of U.S. Patent No. 5,042,428 to Van der Lely.

Regarding Claims 8, 9, and 10, Innings et al is silent on the teat location and cleaning device and a gate means. However, Van der Lely teaches a teat location device and a gate means (Van der Lely #3, #4, Fig. 10, and Abstract). It would have been obvious to one of ordinary skill in the art to modify the teachings of Innings et al with the teachings of Van der Lely since it is old and well-known in the art of animal husbandry to have teat location and cleaning device and a gate means as part of an automated milking system to reduce labor requirements. Furthermore, it would have been obvious to one of ordinary skill in the art to establish predetermined running values for these devices since this is standard practice for any automated system with a microprocessor control unit thus making all operations automatic for efficient operation of the system.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

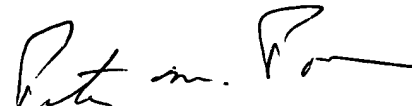
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-4195 for regular communications and 703-305-0285 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-4357.

AMV  
February 7, 2002

  
PETER M. POON  
SUPERVISORY PATENT EXAMINER  
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2/7/02